

## First Supplement to Memorandum 2000-46

### AB 2939 — Air Resources Technical Revisions

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AB 2939 would correct a number of technical defects in statutes governing air resources. These defects were identified in the course of the Commission's study of the organization of environmental and natural resource statutes. On July 5, the bill was passed on consent by the Senate Environmental Quality Committee, with the understanding that the bill would be amended to address issues raised by the committee consultant. The amendments are described below. A draft report of revised comments to the Commission's recommendations, with changes indicated in strikeout and underscore, is attached for the Commission's approval.

**Unless issues are raised at the meeting, the staff does not intend to discuss the contents of this memorandum in any detail.**

#### **Drafting Defect to be Corrected**

As introduced, AB 2939 would amend Health and Safety Code Section 39513 as follows:

39513. The state board shall hold regular meetings at least twice a month. Special meetings may be called by the ~~chairman~~ chair or upon the request of a majority of the members. Each member of the state board shall receive his the member's actual necessary traveling expenses incurred in the performance of his official duties. ~~Time spent in such meetings shall count towards the 60 hours specified in Section 39512.~~

On reviewing the bill, the staff discovered that the deletion of the last sentence was inappropriate. While the 60-hour work requirement formerly provided in Section 39512 has been deleted, it was replaced with a general reference to a chapter of the Government Code that contains an equivalent provision — Government Code Section 11564. Thus, Section 39513 should have been amended as follows:

39513. The state board shall hold regular meetings at least twice a month. Special meetings may be called by the ~~chairman~~ chair or upon the request of a majority of the members. Each member of the state board shall receive his the member's actual necessary

traveling expenses incurred in the performance of his official duties. Time spent in such meetings shall count towards the 60 hours specified in Section 39512 11564 of the Government Code.

The staff consulted with the legal staff of the Air Resources Board and confirmed that the latter approach is the correct one. The staff notified the Assembly Natural Resources Committee consultant of the need for an amendment to AB 2939 and submitted draft amendment language. Unfortunately, an error was made in implementing the requested amendment, resulting in the deletion of material other than that specified by the staff. A follow-up amendment, to correct the error made in implementing the first, has been requested. The staff will review the Legislative Counsel's draft to confirm that it is correct before this new amendment is made final.

#### **Conflict with AB 2889**

AB 2889 (Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee) would make the following minor technical amendments to Health and Safety Code Section 41865:

- (1) In subdivision (m), an obsolete reference to the "Department of Commerce" is replaced with a reference to the "Trade and Commerce Agency," which is the successor of the Department of Commerce.
- (2) In subdivision (o), the word "California" is deleted from the agency name "California Department of Food and Agriculture." This is consistent with statutory drafting practice.
- (3) In subdivision (o), an erroneous reference to "subparagraph (1)" is replaced with a correct reference to "paragraph (1)."

That section is also amended by AB 2939 (to correct an erroneous cross-reference). In order to avoid a chaptering conflict with AB 2889, the staff recommends that AB 2939 be amended to incorporate the changes to Section 41865 described above and that the CP, GE, & ED Committee be contacted to request that our proposed change to Section 41865 be amended into AB 2889. The CP, GE, & ED committee has been contacted, but the proposed amendments have not yet been made.

Respectfully submitted,

Brian Hebert  
Staff Counsel

July 17, 2000

DRAFT REPORT OF THE  
CALIFORNIA LAW REVISION COMMISSION  
ON ASSEMBLY BILL 2939

Assembly Bill 2939, authored by the Assembly Natural Resources Committee, implements a recommendation of the California Law Revision Commission: *Air Resources Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 409 (1999). The revised Comment set out below supersedes the comparable Comment in the recommendation and reflects an amendment to the bill made during the legislative process.

**Health & Safety Code § 39513 (amended). Meetings**

**Comment.** Section 39513 is amended for gender neutrality and to ~~eliminate~~correct an obsolete reference to former Section 39512 that conditioned board member salaries on hours worked. Section 39512 was repealed. See 1975 Cal. Stat. ch. 957, § 12.